

Reconsideration of the Application in view of the above amendments and following remarks is respectfully requested.

Claims 1, 5-7, 9, 11, 12, 16 and 37-41 will be pending upon entry of the present amendment.

Reconsideration and withdrawal of the rejection of claim 1 and its dependent claims 5-7, 11, 12, 16, 37 and 38 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Amended independent claim 1 recites “stationary seal face members arranged on axially opposite sides of said rotary seal face member and each having a seal face providing sliding contact with a respective seal face of the rotary seal face member.” Support for this amendment may be found, for example, at page 25, lines 4-12 of the Specification. It is respectfully submitted that Whitford does not describe this feature. In contrast, Whitford describes a sealing arrangement that

is non-contacting. See Whitford, column 3, lines 41-51. Thus, Whitford does not disclose stationary seal face members with a seal face providing sliding contact with a respective seal face of a rotary seal face member, as recited in claim 1. Because Whitford lacks this feature, it cannot anticipate claim 1 or its dependent claims 7, 16 and 37-38.

Moreover, it is respectfully submitted that one of ordinary skill in the art would not “provide contact between the rotor 2 and the stators 3 and 4” “if one wants minimum leakage” as suggested in the Office Action. See Page 6, lines 1-2. In contrast, Whitford teaches away from seals with contacting parts, teaching that “contact between parts leads to relatively high wear rates.” Thus one of ordinary skill in the art would not have been motivated to provide contact between the rotor and stators of Whitford, as suggested by the Examiner.

Furthermore, independent claim 1 recites “one or more magnets each of which is positioned so as to attract both said axially floating stationary seal face members and so as to urge said axially floating stationary seal face members towards said rotary seal face member.” Support for this amendment may be found, for example at page 25, lines 4-12. It is respectfully submitted that Whitford does not disclose a magnet that is positioned so as to attract both axially floating stationary seal face members, as recited in claim 1. Because Whitford does not disclose this additional feature, it cannot anticipate claim 1 or its dependent claims 7, 16 and 37-38 for this additional reason.

Reconsideration and withdrawal of the rejection of claims 1, 7, 16, 37 and 38 is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 1, 5-7, 9, 11-12, 16 and 37-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,109,617 to Laney and U.S. Patent No. 6,805,358 to Dawson et al. (“Dawson”).

Amended independent claim 1 recites “one or more magnets each of which is positioned so as to attract both said axially floating stationary seal face members and so as to urge said axially floating stationary seal face members towards said rotary seal face member.” It is respectfully submitted that a combination of Laney and Dawson does not teach or suggest this feature. The

Reconsideration and withdrawal of the rejection of claims 1, 5-7, 9, 11, 12, 16, 37 and 38 under 35 U.S.C. § 103 is respectfully requested.

New claims 39-41 have now been added. Support for these claims may be found, for example in the Specification at page 25, lines 4-12 and Figs. 3 and 29. Similar to independent claim 1, independent claim 39 recites “at least one magnet rotationally fixed relative to the axially floating stationary seal face members and positioned so as to attract both axially floating stationary seal face members toward the rotary seal face member.” It is respectfully submitted that the cited references, either alone or in combination do not teach or suggest at least this feature of new independent claim 1. Thus, independent claim 39 and its dependent claims 40 and 41 are patentable over the cited references.

In view of the above remarks, Applicant believes the pending application is in condition for allowance. If there are any issues remaining that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Adda C. Gogoris

Registration No.: 29,714
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant